

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TYRONE WASHINGTON,

Plaintiff,

V.

WASHINGTON STATE DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. C05-5630RBL

**ORDER ON MOTION TO EXTEND
TIME FOR DISCOVERY AND FOR
SANCTIONS AND ON MOTION TO
USE DISCOVERY AT TRIAL**

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff asks for an extension of the time allotted for discovery and for possible sanctions, including default. Plaintiff makes this request because he was separated from his legal work for approximately thirty eight days. (Dkt. # 26). Plaintiff also asks for permission to use discovery material he has obtained at trial. (Dkt. # 27).

Defendants reply through counsel and explain that plaintiff was transferred from Mc Neil Island to the Washington State Penitentiary and the actions he complains of were not taken by any named defendant in this action. (Dkt. # 29). Defendants argue plaintiff lacks standing to seek injunctive relief of any kind against them because he is no longer housed at the facility where any named defendant works. (Dkt. # 29). Defendants contend no named defendant has control over the

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1 actions of persons at the Washington State Penitentiary. The named defendants in this action are
2 two correctional officers, the Mc Neil Island Corrections Center, and the Washington State
3 Department of Corrections. (Dkt. # 1). The defendants do not oppose plaintiff's request for a thirty
4 day extension of time to conduct discovery. (Dkt. # 29).

5 Plaintiff request for an extension of time to conduct discovery and for sanctions is **DENIED**.
6 Plaintiff has not shown any need or reason for an extension of the discovery cutoff date in this case.

7 In his second motion plaintiff asks for permission to use discovery at trial. (Dkt. # 27). The
8 motion is premature and therefore **DENIED WITHOUT PREJUDICE**. Prior to trial the court
9 would have the parties prepare a pretrial order and matters of this nature are specifically addressed in
10 that order. See, Local Rule 16 (h through n).

11 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants and
12 to remove (Dkt. # 26 and 27) from the court's calendar.

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14 DATED this 22nd day of August, 2005.
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16 /S/ J. Kelley Arnold
17 J. Kelley Arnold
United States Magistrate Judge
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